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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11 IRVINE UNIFIED SCHOOL
DISTRICT,

12 Plaintiff,

13 v.
14

15 K.G., an adult student, ORANGE
COUNTY DEPARTMENT OF
EDUCATION and CALIFORNIA
16 DEPARTMENT OF EDUCATION,

17 Defendants,
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19

Case No. CV10-01431 JVS (ANx)

AMENDED JUDGMENT

Judge: Hon. James V. Selna

Hearing: November 8, 2010

Time: 3:00 p.m.

Location: Ctrm. 10C

20 This action was heard by the Court on November 8, 2010, on the following
21 Motions:

- 22 • Plaintiff Irvine Unified School District's ("IUSD") Motion for
23 Summary Judgment;
- 24 • Defendant K.G., *et al.*'s Motion for Summary Judgment;
- 25 • Defendant/Cross-Claimant Orange County Department of Education's
26 ("OCDE") Motion for Summary Judgment; and
- 27 • Defendant California Department of Education's ("CDE") Motion for
28 Summary Judgment.

1 All parties appeared through counsel, as reflected by the record. The Court,
2 having reviewed the Motions, the Consolidated Oppositions, and Consolidated
3 Replies, and having heard argument and good cause appearing, hereby ENTERS
4 JUDGMENT as follows:

5
6 1) Judgment is entered in favor of OCDE and IUSD, in favor of K.G. as
7 against CDE only, and against CDE;

8 2) The Decision rendered by the administrative law judge following the
9 November 30, 2009 hearing of the Office of Administrative Hearings (“OAH”) in
10 Consolidated Case Nos. 2009090943 and 2009100565 is hereby reversed, in part,
11 with respect to its finding that CDE was not responsible for implementing and
12 funding K.G.’s education in an out-of-state residential treatment center (“RTC”) following his release from the Orange County Juvenile Hall in October and
13 December 2007 through the present;

14
15 3) CDE is the entity entirely responsible for implementing and funding
16 K.G.’s out-of-state RTC placement, consistent with his individual education
17 program and all that it encompasses, for the period of October 26, 2007 through the
18 date that he graduates high school or his twenty-second birthday, whichever occurs
19 first. This obligation including, but is not limited to, funding K.G.’s tuition and
20 related services for his out-of-state RTC placement at Daystar, as well as any
21 transportation and visitation costs associated with that placement;

22 4) As of October 26, 2007, neither IUSD nor OCDE had, nor does IUSD
23 or OCDE now have, any obligation to implement or fund any portion of K.G.’s IEP
24 that placed K.G. in an out-of-state residential treatment facility, including his out-of-
25 state RTC placement at the residential treatment facility at Daystar;

26 5) CDE is ordered to reimburse OCDE in the amount of \$59,185.52 for
27 the educationally-related costs that OCDE has expended for K.G.’s educational
28 program from October 26, 2007 through the present;

1 6) CDE is ordered to reimburse IUSD in the amount of \$34,300.60 for the
2 educationally-related costs that IUSD has expended for K.G.'s educational program
3 from October 26, 2007 through the present;

4 7) OCDE and IUSD are prevailing parties for purposes of the underlying
5 administrative action and the instant appeal thereof;

6 8) K.G. is the prevailing party as against CDE only for purposes of the
7 underlying administrative action and the instant appeal thereof;

8 9) OCDE, IUSD, and K.G. shall recover their reasonable costs of suit
9 herein against CDE;

10 10) This Court retains jurisdiction over the parties to the extent necessary to
11 allow OCDE to obtain reimbursement from CDE, as described herein; and

12 11) This Court retains jurisdiction over the parties to the extent necessary to
13 allow K.G. to obtain prevailing party attorney's fees from CDE pursuant to the
14 Individuals with Disabilities Education Act for purposes of the underlying
15 administrative action and the instant appeal hereof.

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17 Dated: December 06, 2010

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19 By: 

20 HON. JAMES V. SELNA
21 UNITED STATES DISTRICT JUDGE
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